

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARILYN J. MALHEREK,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil No. 17-cv-509-CJP
	)	
COMMISSIONER of SOCIAL	)	
SECURITY,	)	
	)	
Defendant.	)	

**ORDER for ATTORNEY'S FEES**

**PROUD, Magistrate Judge:**

Before the Court is Defendant's Agreed Motion to Award Attorney Fees.  
**(Doc. 22).**

The parties agree that plaintiff is entitled to an award of attorney's fees and expenses in the amount of \$7,328.86.

The Court finds that plaintiff is the prevailing party and is entitled to an award of attorney's fees and expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412(d)(1)(B). The Court further finds that the agreed upon amount is reasonable and appropriate. Per the parties' agreement, this award shall fully and completely satisfy any and all claims for fees and expenses, but not costs, that may have been payable to plaintiff in this matter pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.

Defendant's Agreed Motion to Award Attorney Fees **(Doc. 22)** is **GRANTED**.

The Court awards plaintiff the sum of \$7,328.86 (seven thousand three hundred twenty-eight dollars and eighty-six cents) for attorney fees and expenses pursuant to the Equal Access to Justice Act. These funds shall be payable to plaintiff, per *Astrue v. Ratliff*, 560 U.S. 586 (2010). See also, *Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). However, in accordance with the parties' agreement, any part of the award that is not subject to set-off to pay plaintiff's pre-existing debt to the United States shall be made payable to plaintiff's attorney pursuant to the EAJA assignment previously executed by plaintiff and counsel.

**IT IS SO ORDERED.**

**DATE: January 4, 2019.**

**s/ Clifford J. Proud**  
**CLIFFORD J. PROUD**  
**U.S. MAGISTRATE JUDGE**